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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/524,139

02/11/2005

Roger Adameczyk

2732-159

2454

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7590

10/15/2008

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EXAMINER

VERDERAME, ANNA L

ART UNIT

PAPER NUMBER

1795

NOTIFICATION DATE

DELIVERY MODE

10/15/2008

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PTO-PAT-Email@rfem.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/524,139	<b>Applicant(s)</b> ADAMCZYK ET AL.	
	<b>Examiner</b> ANNA L. VERDERAME	<b>Art Unit</b> 1795	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 07 July 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-31 and 33-41 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-31 and 33-41 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 February 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### DETAILED ACTION

**The response filed on 07/07/2008 has been carefully considered. A response is presented below.**

#### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-2,6-22, 24-25, 31-34, 26-37 and 41 are rejected under 35 U.S.C. 102(b) as being anticipated by Braun et al. US 6,036,233.

See examples 1-22. Data carriers discussed at (3/18-28). In all examples printed lines are formed and then embossed. In claim 1 Braun describes a carrier having an optically variable structure for verifying the authenticity of a data carrier and having a first embossed structure which is combined with a first coating contrasting with the surface of the data carrier. A second embossed structure and second coating are also formed. The color of the second coating is in contrast with the surface of the data carrier. Overlap of the first and second embossed areas and coatings are shown in for example figure 9 or figure 11. Transparent (translucent) inks are disclosed at 10/55-68 with respect to example 18 (figures 23 and 24).

The applicant's arguments fail to appreciate that the "at least parts of the coating" language does not require the entire pattern to be hidden, only parts of

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it. The drawings show the coating only upon one face of the relief. The claims are not limited to this. Further the coatings can be merely different areas each provided with the same coating material.

3. Claims 1-9, 14-17, 20-25, 27-36, 38, and 40-41 are rejected under 35

U.S.C. 102(b) as being anticipated by Hutton et al. CA-1019012.

Hutton et al. teaches a printed article wherein a first set of lines having uniform width and a second set of lines alternating with the first set is provided on an article. A third set of spaced embossed lines is provided on the article superimposed upon the first and second part (page 3). The embossed lines can be colored and formed by an intaglio printing process (page 4 lines 17-20). The first or second pair of lines can have the same or different widths (page 5). Printing the embossed lines is disclosed on page 6. Data carrier (substrate) can be a bank note (page 7 lines 28-32). The alternating lines pattern can be formed by means of intaglio, lithography, or any other suitable printing process (page 10 lines 10-12).

Though Hutton et al. teaches that the formation of the printed lines is done in two steps (two different colors), this still meets the requirements recited in the instant application that the first set of printed lines be formed followed by the simultaneous formation of an embossed structure and a second coating using intaglio printing.

In claim 1 of Hutton a printed article comprising at least two sets of substantially colored equally spaced lines of contrasting colors are formed. A set

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of embossed lines substantially parallel(claim5) or offset(claim7) are formed on the two sets of colored lines. The embossed lines can be intaglio printed using a transparent ink(claims 9-10). Superimposing of the embossed areas with the set of colored lines is exemplified in figure 5. A second coating disposed at least partially in overlap with the first coatings is also exemplified in figure 5.

Claim 10 recites that the embossed lines are printed in transparent ink.

The applicant's arguments fail to appreciate that the "at least parts of the coating" language does not require the entire pattern to be hidden, only parts of it. The drawings show the coating only upon one face of the relief. The claims are not limited to this. Further the coatings

4. Claims 1-9, 11-17, 20-25, and 27-41 rejected under 35 U.S.C. 102(b) as being anticipated by Braun et al. US 6,183,018.

See disclosure at 3/55-6/14. Gravure printing methods with ink are disclosed(3/62). Gravure is known in the art to be analogous to intaglio. Use of optically variable pigments for overprinting the fine line structure is taught at (5/45-53). See disclosure at (5/20-35). See also specifically disclosure at (3/42-54). Use of bank note as the carrier is disclosed at (2/61).

*The applicant argues that Braun '018 does not teach an optically variable structure having an embossed structure with raised areas. In response the examiner points to disclosure of examples 5, 7 and 8(3/55-4/4, and 4/20-67) which teaches embossing to form an optically variable element.*

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over any one of Braun et al. US 6,183,018 or Hutton et al. CA-1019012 or Braun et al. US 6,036,233 further in view of Plaschka et al. WO 03/052702 (US2005/0115425 used as an English language translation).

None of Braun et al. US 6,183,018 or Hutton et al. CA-1019012 or Braun et al. US 6,036,233 teaches the limitation recited in claim 26. In claim 2 Braun et al. '233 recites that the embossed areas have predetermined heights.

The embossed heights are determined by the depth of the pattern found on the printing plate used to form the embossed pattern.

Plaschka et al. teaches a method for varying the depths of the engravings on the printing plate in order to affect the tonal value of the final embossed product. Maximum engraving depth corresponds to black and minimum engraving depths or non engraving depth corresponds to white[WO page 6/US(0019)]. The depth of the engravings determines the amount of ink that can be held in that area. See disclosure at [WO page 16-17 / US(0074-0081)].

It would have been obvious to one of ordinary skill in the art to modify the embossing step of any one of Braun et al. US 6,183,018 or Hutton et al. CA-

1019012 or Braun et al. US 6,036,233 in which a second coating and an embossed structure are formed simultaneously by varying the depths of the engravings on the printing plate used to perform the embossment in order to control the amount of coating applied in each area as taught by Plaschka et al. and thereby effecting the heights of the embossment formed on the carrier. This modification will allow the artisan to control the tonal value of the embossed structure.

*Braun '018, Hutton, and Braun '233 are not deficient for the reasons stated above.*

### **Conclusion**

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANNA L. VERDERAME whose telephone number is (571)272-6420. The examiner can normally be reached on M-F 8A-4:30P.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Huff can be reached on (571)272-1385. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

*/Anna L Verderame/  
Examiner, Art Unit 1795*

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